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No. _____

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

October Term, 1987

In re Edward J. Arlt and wife, Carol A. Arlt;
Petitioners,

---

on a Writ of Prohibition to the United States
District Court for the Northern District of Texas,
Fort Worth Division,
Judge David O. Belew presiding;
Respondent.

PETITION FOR A COMMON LAW WRIT OF PROHIBITION

Edward J. Arlt
67th Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
Petitioner - In Propria Persona,
Sui Juris

60 pp

QUESTIONS PRESENTED FOR REVIEW

The Petitioners present herein constitutional questions which demand full judicial cognizance. However, the United States District Courts and the Appellate Courts are not in possession of any accessible judicial power that would permit them to reach these questions. Therein lies a conflict of law, jurisdiction and separation of powers that merits the judicial cognizance of this Court in its appellate capacity.

QUESTION NO. 1
WHETHER CONGRESS MAY CONSTITUTIONALLY DIVEST ALL THE INFERIOR COURTS CREATED UNDER ARTICLE III OF JUDICIAL POWER

Can Congress presume to create courts under the constitutional mandate of Article III, Section I, and then omit to vest those Courts with full judicial power (when the Constitution says "shall")? Can Congress, by that means, lawfully subvert the judiciary to its will and destroy it as a

separate branch of government? Can Congress, by fiction and fraud, deny the Petitioners all access to their natural rights and the common law due process mandated to them by the original Constitution and its Bill of Rights and, by that same means, prevent the fiction, fraud and deprivation from ever becoming a subject for judicial cognizance?

This question squarely addresses the deprivation of judicial review imposed upon the Petitioners by the, unconstitutional omission of Congress and the resulting derogations of their natural rights resulting therefrom.

QUESTION NO. 2
WHETHER THE 13TH AND 14TH AMENDMENTS ARE REPUGNANT TO ARTICLE V.

Can Congress and the several State Legislatures usurp unto themselves the authority to amend the Constitution when that amendment results, or will result, in an expansion of the legislative power?

Can the Amendment process under Article V, which was intended solely for purposes of adding "further declaratory and restrictive clauses" (as evidenced by the first twelve amendments), become the vehicle utilized by Congress for expansion of its power; the end intended being the overthrow of the original Constitution and the form of government ordained and established by "We the People" as declared in the Preamble? Can Congress, by usurpation of Article V, empower itself to create citizens of its own and by that means purport to add another entity to the political body? Can Congress then use that act of creation as a means of displacing and destroying the sovereign and political body ordained and established by the original Constitution? and impose its citizens upon the States?

These questions presented for judicial cognizance frame the obvious conflict of the 13th, 14th et seq Amendments with the

original Constitution (1787) and its Bill of Rights (1791). It teeters on Article V and again addresses deprivation of judicial review brought about through the unconstitutional expansions of legislative power brought into being by those purported Amendments. The question further addresses the resulting deprivation of the Petitioners' inheritance of sovereignty; violations of Article I, Sections 9 and 10; Article 4, Section 4; and the wholesale repugnance to Articles 9 and 10 of the Bill of Rights brought about by the purported Amendments.

QUESTION NO. 3
WHETHER STATUES ENACTED UPON THE PURPORTED AUTHORITY OF SUCH USURPTIONS HAVE ANY EFFECT OR FORCE

Petitioners present the question of the constitutionality of the statutes purporting to confer jurisdiction and impose duties when their source is itself unconstitutional. Can the fruit of the

poisoned tree be any less poisoned than the tree itself?

QUESTION NO. 4
WHETHER THE PETITIONERS ARE CITIZENS ACCORDING TO THE PREAMBLE AND WHETHER THAT CITIZENSHIP, LIKE THE UNION, IS PERPETUAL

Are the Petitioners citizens according to the Preamble or by some other means? Could the District Court lawfully refuse to receive evidence on this point when it is determinative of both liability and jurisdiction? Was the original citizenship according to the common law destroyed by the advent of the purported 14th Amendment?

Petitioners present the question of whether the common law citizenship of the States and the Union as ordained, established and intended in the Preamble, could have in any fashion whatsoever been displaced or nullified by the purported 13th and 14th Amendments. Petitioners present the question of whether the original Constitution and the Bill of Rights are perpe-

tual. If so, then can any statutory fiction or pretext serve to suppress or destroy the citizenship intended by that Constitution? Are the several State Constitutions, having been altered to delete "free white" and bring them into compliance with the purported 14th Amendment, now repugnant to the Constitution for the United States of American (1787)? Are the State Constitutions in violation of both the Preamble and Article 4, Section 4? Can that situation hinder or prevent the Petitioners from asserting the fact of their race and claiming the natural citizenship appropriate thereto (and implications thereof) embodied in the Preamble and protected by the 9th Article of the Bill of Rights (1791)?

QUESTION NO. 5
WHETHER SOCIAL SECURITY, AS A PRETEXT FOR ATTACHMENT TO 14TH AMENDMENT CITIZENSHIP, IS A FRAUD

Is Social Security the statutory mec-

hanism for conversion of citizenship from that of the Union to that of the District of Columbia pursuant to the 14th Amendment? Is the income tax an excise tax on the privilege of said 14th Amendment citizenship? Does Social Security create the liability for the tax? Did Congress reveal any of these attaching debilities and conditions when offering the implied contract of Social Security to "We the People". Petitioners present the question of whether the misrepresentation and concealment of the true terms, conditions and ramifications of that implied contract by Congress is fraud. Is the implied contract vitiated by the fraud. Is there any real assent under those conditons? Could the District Court properly refuse to hear evidence of the facts comprising the fraud? When such facts go to the jurisdiction of the Court? When such facts go to the liability for the tax in question?

QUESTION NO. 6
WHETHER SOCIAL SECURITY, AS A FICTIONAL ATTACHMENT TO 14TH AMENDMENT CITIZENSHIP, IS UNCONSTITUTIONAL

Petitioners present the question of whether or not Congress can constitutionally offer the implied contract of Social Security outside the "10 miles square" of the District of Columbia. Can Congress, by that pretext and fiction, extend its jurisdiction under Article I, Section 8, Clause 17, beyond the boundaries of the District of Columbia and over the entirety of the States? Can Congress constitutionally wield that fiction as a weapon against the States (and ultimately against the Union itself) and thereby deprive the States of their citizens, and hence, of their existence? Can Congress, by means of that legislative fiction and the usurpatious power emanating from the purported 13th and 14th amendments, reduce the States to mere legislative districts of the District of

Columbia?

Since the entire premise of Social Security embodies a change of status and a loss of natural rights and common law remedies (to a white person), can it be anything less than repugnant to the Preamble and the entirety of the Bill of Rights? Considering that the ultimate consequence of Social Security is the total destruction of the sovereign body of the Union as ordained and established by the original Constitution (1787), can its application outside the District of Columbia be anything less than repugnant thereto and destructive thereof?

QUESTION NO. 7
WHETHER THE PETITIONERS HAVE BEEN DENIED THE COMMON LAW DUE PROCESS RESERVED TO THEIR RACE BY THE 5TH AMENDMENT

The Petitioners being free white common law citizens of the Union pursuant to the mandate of the Preamble, can they be constitutionally denied a judicial trial

and subjected instead to a legislated procedure in a legislative tribunal? And as a result suffer seizure and sale of their property without benefit of a hearing, a jury or a trial? Can the Petitioners be constitutionally subjected to the statutory procedures and mode of trial appropriate to 14th Amendment citizens and other juristic persons when they are not of that ilk?

Can the Petitioners be systematically deprived of all redress (by the statutory acts and omissions of Congress designed to prevent their constitutional objections from becoming the subject of judicial cognizance) and simultaneously be considered to have received justice and the benefit of "due process" as known to the common law?

LISTING OF PARTIES IN THE CASE BELOW

The following entities and persons were named as parties in Case No. CA4-85-118K, filed in the District Court of the United States, Northern District of Texas, Fort Worth Division:

1) United States of America: Plaintiff

2) Edward J. Arlt and wife, Carol A. Arlt; Defendants

3) First Fidelity Mortgage Company: Edward J. Arlt and Jack Roach, Trustees of the New Jerusalem Trust; and Jack Roach, Ben Mudd, and Morgan Millican, Trustees of the Christian Research Trust; Defendants

In addition to Judge Belew, who is named as Respondent herein, the following authorities, agencies and officials of the United States of America have an interest in this case and are among those served with copies of this instant Petition:

1) The Solicitor General of the United States of America;

2) Mary Vance, the attorney for the United States in the case below;

3) Lawrence Gibbs, Commissioner, Internal Revenue Service:

4) Edwin Meese, the Attorney General for the United States of America;

5) The Secretary of the Treasury;

6) The Commissioner of Social Security; and

7) Jim Wright, Speaker of the House, U.S. House of Representatives.

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OPINIONS AND ORDERS IN THE COURT BELOW

The opinions, memorandums and Orders of the District Court on the issues raised in this Petition are attached hereto as Appendices A through F. They are as follows:

Appendix A: Order of the District Court denying the defendants' "Motion to Quash the Complaint for Lack of Jurisdiction over the Persons of the Accused", August 26th, 1986.

Appendix B: Order and Memorandum Opinion of the District Court imposing Summary Judgment, October 9th, 1986.

Appendix C: The Final Judgment of the District Court, December 16th, 1986.

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IN THE SUPREME COURT

OF THE UNITED STATES OF AMERICA

IN RE EDWARD J. ARLT & WIFE, CAROL A. ARLT

State of Texas]
: Affirmed
County of Tarrant]

I, Edward J. Arlt, being of lawful age and competent to testify hereby declare and affirm, upon my own personal knowledge, the truth of the following:

This Petition invokes the constitutionally vested jurisdiction of the Supreme Court under Article III. No legislative act or authority is required to authorize this Petition or relief sought herein. See U.S. v. Hudson, 7 Cranch 32.

Edward J. Arlt, speaking as himself and as his wife, as is his common law right, appears in propria persona, sui juris, and petitions this Court, sitting

"in law" (per Article III), for a writ of prohibition and a writ of error against the United States District Court for the Northern District of Texas, Fort Worth Division, Judge David O. Belew presiding, in order to prevent the continued unlawful exercise of a quasi-judicial function by said Court and the continued trespass of an unlawful and usurpatious legislative jurisdiction, maritime in nature, into the common law.

The Petitioners aver that they are both of the white race and common law citizens of the Union as ordained and established in the Preamble to the Constitution for the United States of America (1787) and as defined in Dred Scott v. Sanford, 19 How. 393. The Petitioners aver that they are inhabitants of the State of Texas with their permanent abode at 1501 Tyler Street, City of Arlington, Tarrant County, Texas, within the 67th Judicial District of the

State of Texas and within the 5th Judicial Circuit of the Union. Petitioner Edward J. Arlt, the author of this Petition, is a layman untrained in proceedural law and he requests, in the interests of justice, that the Court give wide latitude to the pleadings contained herein.

STATEMENT OF AUTHORITIES DEPENDED UPON FOR JURISDICTION

Article III, Section 1, of the Constitution for the United States of America (1787) specifically vests the judicial power of the Union in this:

> "Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Section 2 of that same Article mandates that:

> "The judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States... to all Cases of admiralty and maritime Jurisdiction; - to Controversies to which the United States shall be a Party..."

The Petitioners assert that it is that judicial power alone, as provided by Article III and the doctrine of separation of powers, which is herein invoked. Petitioners further assert that they, being common law de jure Citizens and members of the sovereign body as intended by the Preamble and as defined by the Supreme

Court in Dred Scott v. Sanford, 19 How. 393, have standing to invoke that jurisdiction, id est, jurisdiction "in law" emanating directly from Article III upon the appellate jurisdiction of the United States Supreme Court (any acts of Congress to the contrary not withstanding). This Court has always had authority and jurisdiction to prohibit intrusions of maritime jurisdiction into the common law. Bains vs. the James and Catherin, 2 Fed. Case No. 756.

It is asserted herein that the Supreme Court must exercise its judicial power in this case because Petitioners present constitutional questions that demand judicial cognizance. Since Congress has seen fit to vest the inferior courts it has created under Article III with only legislative power, that fact creates a conflict of law, jurisdiction and separation of powers which only this Supreme Court can address as a matter of judicial cognizance. This is

necessitated by the fact that the vesting of legislative power has rendered the judicial power in the inferior Courts ineffectual. See Ashwander vs. Tennessee Valley Authority, US 297, 288. Congress, having failed to fulfill the mandate of the Constitution to vest the jurisdiction set out in Article III, by unlawful vestation of legislative powers in the inferior courts created pursuant thereto, then it is appropriate and necessary that the Supreme Court (in its appellate capacity) exercise jurisdiction according to the Constitution (without a statute of Congress). The Petitioners hold that where Congress fails to exercise an authority made mandatory in the Constitution with respect to the establishment of the judiciary, then the Supreme Court must exercise its constitutionally vested jurisdiction. The same is true where Congress has committed an act to divest the judicial power where previously

vested; the lack of access to judicial power being the same result of both sets of circumstances.

The Petitioners aver that they have no other remedy. Neither the District Court nor the 5th Circuit Court of Appeals have authority to hear the constitutional issues raised by the Petitioners in objection to the District Court's exercise of a legislative power and territorial jurisdiction emanating from the alleged implied powers of Congress under Article I, Section 8, clause 17 (as expanded by the purported 13th and 14th et seq Amendments).

If there currently be any other Court in the land that can exercise the full constitutional power of Article III and hear the Petitioner's case, then Petitioners request the Supreme Court to direct them there. The All Writs Statute, 28 USC, Section 1651, is specifically <u>not</u> invoked in support of this Court's jurisdiction to

hear the instant petition. Petitioners exclude any statutory act of Congress as authorization for the Supreme Court to hear this Petition and assert that said All Writs Statute, if invoked, would act as a limitation upon the Supreme Court's judicial authority. Congress, having systematically divested all the inferior courts of judicial authority, cannot regulate the Appellate power in the Supreme Court. That is to say, Congress having purposely devastated and destroyed the judicial authority and remedies in the lower courts, it cannot presume to also regulate that which is specifcally preserved by the organic law for our safety and refuge in such instances.

In further support of this Court's jurisdiction to hear this instant Petition, The Petitioner's assert that the very existence of the Preamble and the Bill of Rights implies, even demands, the existence

of all the common law writs and guarantees the remedies sought herein. If Congress has the ability to legislate upon the remedies necessary to the maintenance of natural rights, then the rights themselves do not exist and the Constitution has been overthrown. Any legislation whatever by the Congress of the United States purporting to curtail, limit or grant specific authority to the Supreme Court to hear the common law writs is a usurpation of the judicial power. The Supreme Court has that power under Article III and Congress cannot legislate upon it! Further, any statute that purports to allow justices of the Supreme Court to refuse to hear a common law writ, and thereafter transfer same to a court that has no judicial power (or who's judicial powers are held in abeyance in favor of legislative powers vested by Congress in the inferior courts under the auspices of Article I, Section 8, Clause 17

and the 13th, 14th et seq Amendments), is destructive of the intent and purposes of the common law writs; that intent being to invoke the purely judicial powers of Article III.

It was not until after the usurpations of the Civil War amendments that Congress ever supposed it had power to regulate the discretion of the judicial power and to determine when said judicial power is competent to issue common law writs. Petitioners hold that if Congress can regulate the judicial power, then there is no judicial power. In such instances, then, Congress assumes a discretion which it does not possess. Such presumptious legislation by Congress interferes with the judicial discretion of the Supreme Court to determine whether or not relief is within the jurisdiction of the judicial power of the Court. Such legislation interferes with the administration of the judicial power by purpor-

ting to authorize judges and justices to commit treason against the Constitution in those instances where the writ is outside the purview of the statute, but simultaneously, inside the purview of the original Constitution for the United States of America and the judicial power thereunder.

Such legislative usurpations, attempting to bring the common law writs within the legislative power, are attempts to convert those remedies into actions called by the appropriate names but conveying none of the substance of the original. Having changed the content of the bottle, they never change the label thereon. Such statutory writs and authorizations pretend to be common law remedies but are not actually the remedies implied and mandated by the Constitution of 1781 and its Bill of Rights (1791). By this trickery and the usurpation of judicial power, foisted upon us by Congress, it is pretended that the

said mandate is satisfied, while in actuality Congress has attempted to abolish the true writ or remedy by a statutory fiction, the end intended thereby being to usurp further power unto itself. Thus, by citing the statute in support of jurisdiction, a natural person is tricked into actually denying the judicial power and invoking a legislative one instead. Thus, by citing the statute and the fiction embodied therein said natural person is unwittingly made the instrument of his own demise and that of the Constitution as well.

Petitioners hold that where the judicial power is, in fact, conferred directly by the Constitution for the United States of America, Congress is powerless to act. Further, when Congress has unlawfully acted, it is the providence and duty of the judicial power to note the usurpation and to uphold the intentions of the Constitution as originally adopted. This Supreme

Court must retain the judicial powers vested in it by Article III. The doctrine of separation of powers demands it. That principle is inherent in the Republican form of government guaranteed by the original Constitution (Article IV, Section 4). Congress is bound by the Constitution of 1787 to adhere thereto, the usurpation of the last 127 years notwithstanding, and any defaults or acts thereby violating the separation of powers (as well known to our Republican institutions) is within the power of the Supreme Court of the United States to deny, and in fact, must be denied as a duty under the Constitution of 1787. Marbury vs. Madison, 1 Cranch 137.

It is specifically noted that this petition is outside the purview of the purported 13th and subsequent Amendments. Petitioners Arlt are not citizens as contemplated by the 14th Amendment, nor do they hold any semblance of that character.

Petitioners disclaim absolutely all purported or inferred protections from the 13th and subsequent Amendments, and furthermore they totally and completely disclaim any contention, allegation, assertion or contemplation & c., that their basis for appellate jurisdiction in this Court arises out of Article I, United States Constitution, its provisions or the 13th or any subsequent Amendments, or that any of these serve as a basis of adjudication of the instant case.

As will be seen from the statement of the case; the Petitioners' citizenship is a matter of natural right as evidenced by the Preamble to the United States Constitution. They owe absolutely nothing to the 14th Amendment or the privileged citizenship which it purports to offer to those contemplated thereby. Van Valkenburg v. Brown, 43 Cal S.Ct (1872).

This disclaimer of the 13th and subse-

quent Amendments is made by the Petitioners to make clear their intention to completely exclude the provisions of those amendments from having any effect on this petition; the same being absolutely and constitutionally inapplicable to the Petitioners and this petition.

CONSTITUTIONAL PROVISIONS INVOLVED

The Preamble to the Constitution for the United States of America (1787):

> "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Article I, Section 8, Clauses 17 and 18:

> "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;- And
>
> To make all Laws which shall be necessary and proper for carrying into Execution the **foregoing** Powers, and all other Powers vested by **this Constitution** in the Government of the United States, or in any Department or Officer thereof."

Article I, Section 9, Clauses 3, 4 and 8:

> "No Bill of Attainder or ex post

facto Law shall be passed.

No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken...

No Title of Nobility shall be granted by the United States..."

Article I, Section 10, Clause 1:

"No State shall... pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

Article III, Section I:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish...."

Article III, Section 2:

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority:...- to all Cases of admiralty and maritime Jurisdiction;-to Controversies to which the United States shall be a Party;..."

Article IV, Section 3, Clause 2:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the

Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particuliar State."

Article IV, Section 4:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion;..."

Article V:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all **Intents and Purposes**, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as on or the other Mode of Ratification my be proposed by the Congress;..."

4th Article, Bill of Rights:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and par-

ticularly describing the place to be searched, and the persons or things to be seized."

5th Article, Bill of Rights:

"No person shall..be deprived of life, liberty, or property without due process of law..."

9th Article, Bill of Rights:

"The enumeration of the Constitution, of certain rights shall, not be construed to deny or disparage others retained by the people."

10th Article, Bill of Rights:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The purported 13th Amendment:

"Section I. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation."

The purported 14th Amendment:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and

of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws...

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The purported 15th Amendment:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation."

The purported 16th Amendment:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

STATEMENT OF THE CASE

The Petitioners are the defendants named in a certain action entitled "United States of America, Plaintiff, vs. Edward J. Arlt, Carol A. Arlt, et al, defendants." being Cause No. CA4-85-118K in said District Court of the United States. The complaint was filed on the 25th of February, 1985, and it seeks to foreclose alleged federal tax liens upon the home of the named defendants, Edward J. Arlt and wife, Carol A. Arlt. Said complaint cites 28 USC, Sections 1340 and 1345 as well as 26 USC, Sections 7402 and 7403 as the basis for federal jurisdiction. The defendants challenged the jurisdiction of the Court at the outset and made special appearance for that purpose and continued in that mode throughout the course of the proceedings in the lower court.

The defendants entered numerous affidavits into the record asserting the perti-

nent and relevant facts of race and contract (or lack thereof) bearing on 1) the liability for the tax in question and 2) the jurisdiction of the Court. The action in the lower Court was a quasi-judicial proceeding invoking an alleged territorial jurisdiction of the United States Distirct Court pursuant to legislative power under Article I, Section 8, Clause 17. The complaint was initiated by authority of statutes founded upon the purported constitutional existence of the 13th, 14th and 16th Amendments and the jurisdictional attachment thereto created by alleged individual Social Security Account numbers on the part of the defendants therein, the instant petitioners. The case turned on the denial of the defendants Arlt that the District Court could lawfully impose that jurisdiction upon them and their assertion that the alleged Social Security Accounts were utterly vitiated by

fraud and unconstitutional. The Defendants Arlt therein averred that they were not "Citizens of the United States" pursuant to the 14th Amendment and were therefore not persons liable for the tax or the legislative jurisdiction which it inhabits. The Defendants further denied that they could be lawfully subjected to the legislative "due process" and quasi-judicial procedures emanating from the purported 13th and 14th Amendments (and enforced with respect to taxation by the usurpation imposed via the 16th Amendment). They asserted that such procedures were appropriate, if at all, only to the Citizens created by Congress in the District of Columbia, which they were not. For over 18 months the defendants petitioned the District Court for a hearing so that they could submit evidence, in the form of testimony and documents, in support of their factual assertions as to 1) their status and 2) the fraud worked

upon them via the Social Security implied contract. The defendants filed and urged a "Motion to Quash the Complaint for Lack of Jurisdiction over the Persons of the Accused" on July 14th, 1986. It was supported by many previously filed affidavits and documents from the record and numerous exhibits thereto. This motion, and many others filed into the record of the Court, raise the same objections to the District Court's exercise of jurisdiction as are asserted in this instant Petition. The District Court denied the Motion to Quash in an order dated August 26th, 1986. A true copy thereof is included as Appendix A hereto.

The District court eventually imposed Summary Judgment upon the defendants in retaliation for their assertion of common law rights in response to the Plaintiff's interrogatories and requests for admissions. The defendants asserted 1st and 4th

Amendment constitutional limitations upon the United States of America in response to each amd every government interrogatory and request for admissions. On October 9th, 1986, the District Court entered an Order and Memorandum Opinion imposing Summary Judgment upon the Defendants Arlt. See Appendix B. Arlt filed notice of Appeal on behalf of himself and his wife to the 5th Circuit Court of Appeals on December 3rd, 1986. On December 16th, 1986 the District Court entered a Final Judgment against the Petitioners herein foreclosing the said tax liens of the United States. See Appendix C. On January 26th, 1987, the District Court entered an Order of Seizure and Sale compelling the United States Marshall to seize and sell the Petitioner's home in order to satisfy said liens. See Appendix D. All without benefit of a hearing, a jury or a trial. The District Court refused repeatedly to receive evidence as to the averred

status of the defendants and the fraud worked upon them by the United States via the alleged Social Security implied contract. The opening brief on appeal was filed with the 5th Circuit on or about February 20, 1987, urging the same constitutional objections that are asserted in this present petition. The 5th Circuit eventually dismissed the appeal (on June 16th, 1987) for lack of jurisdiction (and citing an unresolved Rule 52(b) motion still pending in the District Court as the reason why). See Appendix E attached hereto. However, Arlt, in invoking the jurisdiction of the Appeals Court, had specifically cited only the Article III jurisdiction and excluded any authority whatsoever under the 14th Amendment for the exercise of review. This was apparently an underlying factor in the Appeals Court's dismissal.

The District Court subsequently

entered a denial of the Motion for findings of fact and conclusions of law on August 10th, 1987. see Exhibit F. By this time Arlt had realized that the constitutional issues raised could not receive judicial cognizance in the inferior courts. He has therefore entered this present petition to Justice White of the Supreme Court of the United States as his only available remedy.

Arlt therefore petitions this Court for a writ of prohibition and a writ of error to prevent the District Court's further exercise of jurisdiction over the persons and property of the common law petitioners and to seek full judicial review of the constitutional questions asserted herein.

SUMMARY OF THE ARGUMENTS RELIED ON FOR THE ALLOWANCE OF THE WRIT

The Petitioners assert that the proceedings in the lower Court and the resulting final judgment were exercises of legislative power emanating superficially from the 16th Amendment but actually originating in the 13th and 14th Amendments. The Petitioners are not persons subject to those Amendments and they know that Congress has endeavored to keep their constitutional objections to such exercises of legislative power from becoming the subject of judicial cognizance. Congress has accomplished this by divesting the inferior Federal Courts of all constitutional judicial power.

Further, the Petitioners hold that those Amendments are not a lawful part of the Constitution and that said exercise of legislative power pursuant thereto, in a quasi-judicial forum, was, and is, in dero-

gation of their common law rights and repugnant to the Constitution for the United States of America (1781- 1791), id est, the Constitution for the Union. Petitioners therefore assert that the District Court lacked jurisdiction of their persons and their property and could not lawfully have imposed judgment upon either.

POINT NO 1
CONGRESS CANNOT PRETEND TO CREATE COURTS UNDER ARTICLE III AND THEN OMIT TO VEST THEM WITH THE COMPLETE JUDICIAL POWER

In this regard, the Accused holds that the legislative jurisdiction being exercised by the inferior Courts in a quasi-judicial capacity is an unwarranted abuse of the Constitution. The Constitution demands that these Courts, having been created under the power of Article III, be vested with full judicial power to the exception of all other powers. The words "shall be vested" demand it. The Congress of the United States may not create a Court

under Article III and then omit to vest that court with jurisdiction in law as known to Article III (common law). Nor can Congress vest judicial powers in a Court created under Article III and subsequently divest that judicial power by adding legislative powers to it. The Act or omission is unconstitutional and destructive of the entire fabric of a Republican form of government. The retraction by the Congress of the United States of all common law (judicial) authority from the inferior federal Courts and the deletion (subsequent to the alleged adoption of the 14th Amendment) of "free white" from the sovereignty of all the State Constitutions has essentially nullifed the judiciary as a constitutional branch of government, both at the state and federal levels, thereby precluding the Petitioners from invoking the common law in these inferior courts and denying to them the common law due process

guaranteed to their race by the 5th Amendment. The omission by Congress is unconstitutional because it subverts the federal judiciary to the will of Congress, destroys the judiciary as a separate and independent branch of government, destroys the separation of powers and is repugnant to the Republican form of government mandated to the States by Article IV, Section 4, and to the Federal government by the entire intent and thrust of the original Constitution (1787). It does no good to have a judicial power that cannot be activated. No judiciary means no Republican form of government.

POINT NO.2
WHETHER THE 13TH , 14TH AND SUBSEQUENT AMENDMENTS ARE UNCONSTITUTIONAL AND USURPATIOUS

The question presented for judicial cognizance is the obvious conflict of the 13th, 14th et seq Amendments with the original Constitution. It teeters on

Article V and the deprivation of judicial review brought about through the unconstitutional expansions of legislative power brought into being by those Amendments. The deprivation of judicial review has resulted in the deprivation of the Petitioner's inheritance of sovereignty and violation of the prohibitions of Article I, Sections 9 and 10, as well as the complete derogation of the Petitioner's natural common law rights. By means of this usurpation, and others enumerated below, Congress has sought a position of unrestrained power in utter repugnance to, and destruction of, the organic law in general and Articles 9 and 10 of the Bill of Rights in particular. Congress is not a Parliament under the Constitution, but it has assumed the absolute power over the judicial branch that the Parliament of England has historically exercised. The Petitioner's hold that both the 13th and 14th Amendments are unco-

nstitutional expansions of the power of Congress and are repugnant to the intent and purposes of not only the Amendment process of Article V, but also the entire warp, woof and fabric of the organic law. If the 13th and 14th Amendments are nullities, then so too is the 16th, for its existence is predicated and dependent upon the previous amendments. That is to say, the 13th Amendment set the precedent for the usurpations inherent in Congress acting outside the District of Columbia and outside the constraints of the Constitution. When it goes all the rest will follow. Congress, under the rule of legislative discretion inherent in the power clauses of the 13th, 14th, et seq Amendments, has endeavored to enjoin the cognizance of the judicial power under guise of the rule that the judicial power cannot enter upon or determine an act of legislative discretion. See U.S vs. Rhodes, 1 Abb. U.S., 28 Fed.

Case No. 16,151 (1866), at page 793. The amendment process in accordance with Article V may only be used for the purpose of adding "further declaratory and restrictive clauses", not for the purpose of expanding the powers of Congress. The Congress was precluded and forbidden by both the Preamble and the Bill of Rights from proposing these amendments in the first place because the Preamble and the Bill of Rights are perpetual limitations upon not only Congress, but also upon the implied powers granted Congress under Article I. Only "We the People" in a full constitutional Convention could have adopted such measures against ourselves.

The respective legislatures in the several States have no power to ratify in derogation and destruction of the Constitutions that created them. Congress has no authority under Article I to create citizens of its own, much less to add to,

displace or destroy the sovereign and political body designated and declared in the Preamble. Nor did "We the People" ever vest the State legislatures with the power to add a new member to the sovereign and political body.

The tax in question is an excise tax on the "privilege" of 14th Amendment citizenship (and/or any other artificial capacity comparatively consistent therewith). If Congress had the lawful power to create such citizens, then obviously it also has the power to regulate and tax its creation. Petitioners deny, in the first instance, that Congress ever had the power to create citizens of its own and add another entity to the political body. Secondly, Petitioners deny that they, under any circumstances whatsoever, could be included among the juristic citizens so created. The Petitioners aver that they are not among that class of "persons" created by the Amendment

and made liable thereby for taxation in this mode. Further, Petitioners deny that said creations of Congress could be used to displace and destroy the ordained and established sovereign and political body. They deny that Congress had power to propose the Amendments to the States, that the State legislatures had power to adopt them, and assert that the amendments and anything that conforms to them are repugnant to the Constitution.

POINT NO. 3
WHETHER STATUTES ADOPTED PURSUANT TO SUCH USURPATIONS ARE NULL AND VOID

The statutes purporting to confer jurisdiction upon the District Court in the instant case, enacted upon the alleged authority of the power clauses in the 13th, 14th and 16th Amendments, and applied to the Petitioners upon the pretext and fiction of Social Security, are "the fruit of a poisoned tree" and are utterly unconstitutional as applied to the Petitioners.

The Amendments are the "evil tree" of usurpation and the statutes in question are the fruit thereof. The roots of the tree are falsely purported to be planted in Article V of the original Constitution, however, the tree receives no actual sustenance from the organic law for Article V is an intricate part of that soil. Therefore, when the evil tree is exposed directly to the whole of the soil purported to give it birth, in a forum exercising solely judicial powers thereof, it will die for lack of nourishment and be consumed by that soil (the organic law), as all dead things are.

POINT NO 4
WHETHER THE UNION AND THE COMMON LAW CITIZENSHIP THEREOF IS PERPETUAL

Petitioners assert that said unlawful act of creation by the Congress has become a primary means whereby Congress seeks to consolidate its power and bring into final effect the destruction of the States, the

destruction of our Republican form of government, and the destruction of the separation of powers mandated by the original Constitution. Petitioners hold that that usurpation has become a primary means whereby Congress seeks to overthrow completely the original Constitution (1787), and it Bill of Rights (1791), and replace it with one of its own fashioning (the purported 13th, 14th, and subsequent amendments) and achieve thereby a Parliamentary supremacy.

The common law Citizenship of the Union stated and delineated in the Preamble to the original Constitution (1787-1791) and reserved thereby to the white race was neither annulled nor canceled by the alleged adoption of the 14th Amendment. The Union of Republican States and the citizenship thereof, ordained and established by the Original Constitution, are perpetual. Texas vs. White, 7 Wallace 700,

724 to 726. Not one word, comma or period of the original Constitution (1787) and its Bill of Rights (1791) have ever been changed. Those words (including the term "Citizen") mean exactly today what they did in 1787-1791. The imposition of the 14th amendment upon the States by Congress and the subsequent deletion of the terms "free white persons" from all the State Constitutions (in violation of Article IV, Section 4) has not altered the ability of the Petitioners to claim and assert the common law citizenship mandated in the Preamble.

In this regard, the Petitioners are fully aware that it currently does no good to assert the common law Citizenship of one of the several States as a means of reaching and securing their natural rights because when the State Constitutions where changed to conform to the purported 14th Amendment they no longer recognized any entity who could claim and assert the

natural rights delineated therein. Obviously, the State Constitutions, as currently written, are repugnant to the Preamble and Article IV, Section 4. However, in this case, the Petitioners do claim the natural citizenship (and implications thereof) embodied in the Preamble and protected by the 9th Article of the Bill of Rights (1791).

POINT NO 5
WHETHER SOCIAL SECURITY IS BOTH A FRAUD AND UNCONSTITUTIONAL

The Social Security policy, account and implied contract of Social Insurance (being the statutory mechanism for conversion of Citizenship from that of the Union to that of the District of Columbia) was the fundamental nexus necessary to the District Court's assumption of territorial jurisdiction based on an alleged territorial sovereignty of the United States (id est, The District of Columbia) arising out of the implied powers of Article I, Section 8, Clause 17 and Article IV, Section 3,

Clause 2 of the Constitution for the United States of America (the Union) as purportedly expanded by the 13th, 14th and 15th Amendments. The Petitioners deny the existence of any such implied hazardous contract and assert that Social Security is both a fraud and unconstitutional by reason of utter misrepresentation and concealment of the true nature, terms and conditions thereof by the Congress of the United States. The Petititioners aver that there is not now, nor has there ever been, any assent on their part to the Social Security Accounts alleged to exist. Petitioners assert that all of the essential fact elements of the fraud worked upon them by the United States would have been proven by competent evidence had the court allowed a hearing.

The Petitioners hold that Social Security is unconstitutional outside the District of Columbia because, by its

implications and consequences, when extended into the States, it is an instrument of destruction wielded by congress against the States and ultimately against the Union itself. The States, having been deprived of citizens of their own by that statutory device, are reduced to mere legislative districts of the District of Columbia. By that legislative fiction the jurisdiction of Congress is now purported to extend over the entirety of the States in contravention of the doctrine of separation of powers; both between the branchs of the national government and between the national govenment and the governments of the Several States in the American Union. It is unconstitutional not only because it is the fruit of a poisoned tree (the 13th and 14th Amendments) but also because its very premise, the change in status and loss of natural rights and common law remedies when applied to white persons, is repugnant to

the Preamble and the entirety of the Bill of Rights. The ultimate goal of Social Security, acting upon the jurisdiction and premises of the 13th and 14th Amendments, is the destruction of the ordained and established sovereign body of the Union. Its consequences, as reflected in the decisions of this court, are proof enough of that destructive goal. Petitioner refers, of course, to this court's decisions on integration of the races and abortion, among many others.

For all the foregoing reasons then, the Petitioners assert that the District Court could not lawfully and justly treat them as though they were citizens, residents or subjects of the District of Columbia pursuant to the 14th Amendment.

The Petitioners, not being among those subject to the legislative power of the Congress of the United States, id est, being neither citizens, residents nor

subjects of the District of Columbia (via Social Security) are not persons within the meaning and contemplation of the statutes upon which the District Court purported to act. That is to say, the Petitioners are not and could not be among those addressed and intended by the terms "person" and "individual" as used therein.

The Petitioners are therefore not persons who can be lawfully subjected to the territorial jurisdiction of the District of Columbia exercised by the District Court pursuant to Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2 of the Constitution under the concept of the long arm jurisdiction. The Petitioners are not among those subject to the procedures and jurisdiction imposed under the legislative power, nor is their place of abode upon the soil or within any territory or possession of the District of Columbia.

POINT NO. 6
PETITIONERS HAVE BEEN DENIED THE COMMON LAW DUE PROCESS RESERVED TO THEM BY THE 5TH AMENDMENT

The Petitioners hold that they have been denied, and deprived of, the common law due process mandated to them and their race by the 5th Amendment. The District Court purports to have the power to seize and sell their property without benefit of a hearing, a jury or a trial. Petitioners assert that said proceedings were, and are, unconstitutional. They, being free white common law citizens of the Union pursuant to the mandate of the Preamble, have an absolute right to a judicial trail instead of one by legislated procedure in a legislative tribunal. The rights of the Petitioners did not originate in the Federal Rules of Civil Procedure nor are they regulated thereby. The Petitioners assert that they are entitled to all aspects of the common law due process mandated by the 5th

Amendment (without purview of the 13th, 14th and 15th Amendments, the Social Security Act or any of their counterparts) and the only Court in the land with the power intact to satisfy that constitutional requirement is this one. Petitioners are entitled to, among other things, the exclusion of all hear-say evidence and judgment by a common law jury of their peers, id est, 12 free white males (sans Social Security numbers and all the other accoutrements of 13th and 14th Amendment citizenship). Petitioners assert that had the case been before the judicial power and had they been allowed a full hearing before that power, they would have prevailed.

CONCLUSION

The Petitioners have been systematically denied the due process mandated to them by the 5th Amendment. This has been accomplished by both Congress and the several State legislatures acting in concert to not

only deprive them of their rights, their property, their liberty and even their natural citizenship (which bestows all the foregoing), but also to deprive them of all redress by preventing the question from becoming the subject of judicial cognizance.

The action in the District Court was without judicial power. However, the stated and averred status of the Petitioners demanded a proceeding replete therewith. The District Court could not lawfully subject the Petitioners to the procedures and mode of trial appropriate to the 14th Amendment when the Petitioners were not, and are not, of that ilk or subject thereto.

The constitutional questions raised in both the District Court and the 5th Circuit Court of Appeals as to the validity of the 13th and 14th Amendments under Article V also demanded judical cognizance which

neither court could provide.

RELIEF REQUESTED

THEREFORE, The Petitioners assert that the only remedy available to them is the instant Petition to this Court for review and relief. In keeping therewith Petitioners move this Court to issue an Order prohibiting the execution of the District Court's Summary and Final Judgments and subsequent Order for Seizure and Sale of their property. Petitioners further request this Court to vacate the said Judgments and Order of the District Court and to dissolve and annul the IRS liens on their property.

VERIFICATION

I, Edward J. Arlt, speaking as myself and as my wife, hereby affirm that all the foregoing facts are true to the best of my knowledge and ascertainment and that the asserted relationship said facts bear to the law is submitted in good faith.

Respectfully submitted and affirmed

this 8 th day of October, 1987.

Edward J. Arlt
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute and affix the above signature hereto.

Common Law Citizen of the Union

Common Law Citizen of the Union

Common Law Citizen of the Union

AFFIRMATION OF SERVICE

STATE OF TEXAS)
affirmed:
County of Tarrant)

I, Edward J. Arlt, being of lawful age and competent to testify, do hereby declare and affirm upon my own personal knowledge that I did this same day serve true and correct copies of the foregoing PETITION FOR A WRIT OF PROHIBITION AND WRIT OF ERROR with APPENDIX by placing same in the U.S. Mail, certified, post paid, and addressed to each of the following:

1. Solicitor General of the United States of America
(Certified No. 488202872)
Department of Justice
Washington, D.C. 20530
2. The attorney for the United States in Civil Case
No. CA4-85-118K, U.S. District Court, Northern
District of Texas, Fort Worth Division:
Mary Vance (Certified No. 488202873)
Rm 5031
1100 Commerce St.
Dallas, Texas 75242
3. David O. Belew, Judge (Certified No. 488202874)
U.S. district Court
201 U.S. Courthouse
10th and Lamar Streets
Fort Worth, Texas 76102
4. Lawrence Gibbs, Commissioner
(Certified No. 488202875)
Internal Revenue Service
1111 Constitution Ave. N.W.
Washington, D.C. 20224

5. Edwin Meese, the Attorney General for the United States of America
(Certified No. P488202876)
Constitution Ave and 10th St. NW
Washington, D.C. 20530
6. The Secretary of the Treasury
(Certified No P488202877)
15th & Pennsylvania Ave NW
Washington, D.C. 20220
7. The Commissioner of Social Security
(Certified No. P488202878)
Baltimore, Maryland 21235
8. U.S. House of Representatives
(Certifed Mail No.488202926)
Office of the Speaker, Jim Wright
Capitol Building - Room H-204
Washington, DC 20515

The foregoing is true and submitted in good faith. Further affiant saith not. Submitted this 8th day of October, 1987.

Edward J. Arlt
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute the above signature hereto.

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